

**Notice of Allowability**

Application No.

09/604,222

Examiner

Aravind K. Moorthy

Applicant(s)

DEMELLO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/13/06.
2. ☒ The allowed claim(s) is/are 6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

CHRISTOPHER REVAK  
PRIMARY EXAMINER

*cel 9/15/06*

### **DETAILED ACTION**

1. This is in response to the arguments filed on 13 July 2006.
2. Claim 6 is pending in the application.
3. Claim 6 has been allowed.
4. Claims 1-5 and 7-48 have been cancelled.

#### ***Response to Arguments***

5. Applicant's arguments, see pages 4-7, filed 13 July 2006, with respect to claim 6 have been fully considered and are persuasive. The rejection of the claim has been withdrawn.

#### ***Allowable Subject Matter***

6. Claim 6 is allowed.

The following is an examiner's statement of reasons for allowance:

The current application is directed towards a system in which a user can obtain content, such as an electronic book. The content may come in an encrypted form, and may need to be decrypted. The ability to decrypt the content may come through a series of licenses and chained cryptographic keys. In one example: a license is needed to decrypt the content; the license contains the decryption key for the content, but the key is, itself, encrypted with a certificated public key, and thus requires a particular private key in order to be decrypted. The combination of this public and private key is provided in something that the present application refers to as an "activation certificate." The activation certificate (or a portion thereof) may, in turn, be encrypted with a device key (or with a portion of a device key pair), so that the activation certificate cannot easily be transferred from one machine to another. That way, the number of copies of the activation certificate (and, thus, the number of devices on which the user can ultimately use the

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content), can be limited, since the activation certificate is given out by an activation server, which encrypts the certificate with the device key before installing the certificate on the device. In one example provided in the application, the activation server initially allows the activation certificate to be installed on five machines, and then allows the activation certificate to be installed on an additional machine after the passage of each ninety-day period. It should be understood, however, that this example is simply an example of a time-dependent function that can be used to limit the number of machines on which the activation certificate can be installed. It should also be understood that the "activation certificate" is typically associated with a particular user; thus, each user can install a representation of his/her activation certificate on, say, up to five machines associated with that user, and another user would be able to install five copies of the (different) activation certificate associated with that (different) user. Moreover, it will be understood that the limit on the number of copies of the activation certificate that can be installed can be a "per-user" limit.

The closest prior art to the current application is Rodkin et al U.S. Patent No. 6,748,385 B1 (hereinafter Rodkin). Rodkin describes the updating of content, and does not appear to describe any "limit" on which some piece of "second data" (such as the activation certificate described in one of the examples of the present application) can be provided. In Rodkin, content that is to be made available through the Web is assigned an arbitrary character string identifier. There is a correspondence between character strings and destination addresses, such that content servers can direct a web request to a destination address (i.e., the place where the underlying content is located) based on which character string is provided in the request, but the correspondence between character strings and destination addresses can be changed periodically.

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To facilitate this change, the relationship between the string and the destination address can be assigned an expiration date, at which point the content server will consider the destination address for the assigned to a string to be invalid, and must then query a central server in order to find the valid destination address. Rodkin does not teach the concept of an expiration date with a limit that restricts the rate at which a user may enable new devices to use digital content, as in claim 6. Rodkin does not show that there is some limit that governs whether character strings and destination addresses are provided to the machines on which on-line articles will be used, and, moreover, that this limit is a time-dependent number that is the sum of (1) a first number, and (2) the product of a second number and a third number. No such feature is taught or suggested by Rodkin. Rodkin's expiration date does not limit how often a destination address can be provided. Rather, the expiration date is more the opposite of such a limitation, since it specifies that the destination address should be refreshed at least by a certain date (but does not preclude the possibility that the address could be refreshed more often). By contrast, a user who wants to be provided with "second data" when the limit of claim 6 is exceeded would not receive the second data (at least until passage of sufficient time occurs, in accordance with the formula described in claim 6). Moreover, Rodkin does not teach that the limit allows five devices to be enabled within a first ninety days, plus an additional device for each subsequent ninety-day period.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy  
September 25, 2006

AM

CHRISTOPHER REVAK  
PRIMARY EXAMINER

Cel 9/27/06